IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

Writ Petition No.8916 of 2005

Mr.A.B.Bharati Petitioner

Vs.

The President/Secretary,
Maharashtra Bhatkya Vimukta Jati
Shikshan Prasarak Mandal & ors. Respondents

Ms.Preetam Tendulkar h/f. Mr.M.S.Karnik for petitioner.

CORAM: B.H.MARLAPALLE,J.

August 21, 2006.

P.C.

. Heard Ms.Tendulkar with Mr.Karnik, the learned counsel for the petitioner-teacher. The petitioner claims to have been appointed as an Assistant Teacher from the academic year 1997-98 onwards on temporary basis. He alleged in his appeal filed before the School Tribunal that an undated resignation letter was taken from him sometime in January 2001 and the Management accepted the same on 3/3/2001. Consequently termination order dated 13/4/2001 was allegedly issued.

. The School Tribunal has noted that the order dated 13/4/2001 was not an order of termination but it was an order relieving the petitioner from service. The claim made by the petitioner that undated resignation was obtained also does not appear to be reliable in asmuchas the Management in its written statement before the School Tribunal stated that in the academic year 2000-01 he had remained absent for 71 days and when the Management was to take action he came forward and submitted a resignation.

. Even otherwise there does not seem to be any approval granted to the appointment of the petitioner as an Assistant Teacher by the Education Officer or the Respondent No.3 in the present case. At the same time the petitioner holds the qualifications of B.A.,B.P.Ed. and, therefore, he could not have been appointed as an Assistant Teacher as he is qualified to be appointed as Assistant Teacher in Physical Education.

. Under the circumstances, the impugned order dismissing the appeal filed by the petitioner cannot be termed as illegal or otherwise perverse so as to

call for interference in the supervisory powers under Article 227 of the Constitution. The petition is rejected summarily.

(B.H.MARLAPALLE,J.)